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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: KOCH, Earl D. Art Group: 3671

Serial No.: 09/553,492 Examiner: K. Markovich

Filing Date: April 19, 2000 Atty Docket: 27136-01

For: TEMPORARY RAMP

AFFIDAVIT OF NED B. NAEGER

I, Ned B. Naeger, pursuant to 37 C.F.R. § 1.132, do state and declare as follows based upon my personal knowledge and/or belief:

1. I am the Peoria area construction dispatch manager for Freesen, Inc., a road repair and construction company which was recently acquired by United Contractors Midwest (UCM), one of the largest asphalt and concrete paving firms in the Midwest.
2. I have been employed at Freesen, Inc. since 1985.
3. Since 1992, I have been responsible for managing the asphalt paving operations of Freesen, Inc. in Bloomington and Peoria.
4. Neither I nor Freesen, Inc. have a financial interest in the above identified pending patent application of Mr. Koch.
5. Neither I nor Freesen, Inc. have a financial interest in E Z Road, Inc.
6. I first learned of the E Z Road segmented butt-joint temporary ramps and segmented manhole ramps in the spring of 2001 when Mr. Earl Koch demonstrated these products at our branch office in Morton, Illinois.

7. After Mr. Koch's demonstration, Freesen, Inc. acquired 16 ramp segments from UCM for use on its road construction projects. These ramp segments were originally purchased by UCM from E Z Road, Inc.

8. The E Z Road ramp segments acquired from UCM, include a substantially horizontal lower surface adapted for contacting the roadway surface during use, an upper surface having a slope of 1:20 which contacts the vehicle wheels during use, and side edges having complementary coupling formations adapted for removably interlocking with abutting side edges of adjacent ramp segments.

9. The above-described E Z Road ramp segments are made of a rubber material and each segment is small enough such that it will fit in the back of a conventional pickup truck bed and is light enough to be easily handled by a single laborer during installation and removal.

10. Freesen, Inc. has used the above-described E Z Road ramp segments on state, county and municipal projects successfully over the past two construction seasons.

11. Prior to acquiring the above described E Z Road ramp segments, it was the practice of Freesen, Inc. to use hot-mix or cold-mix asphalt pavement to create temporary ramps at pavement drop-offs and around other obstructions such as manholes during road construction and repair projects. These asphalt pavement ramps would then have to be broken up and removed from the roadway prior to the final paving operation.

12. Through the use of the segmented E Z Road ramps, Freesen, Inc. has achieved significant cost savings compared to the use of conventional asphalt pavement ramps.

13. The ability to use the segmented E Z Road ramps over and over again on different jobs results in further savings in material and labor compared to the use of conventional asphalt pavement ramps.

14. I am aware of the single-piece manhole ramps manufactured and sold by Work Area Protection Corporation (WAPC).

15. To my knowledge and belief, with over 17 years of experience in this industry, neither WAPC nor any other manufacturer, has ever offered a manhole ramp or butt-joint ramp comprised of segmented interlocking ramp segments for use during road repair or construction. Furthermore, I am not aware of any contractor that has ever used a segmented manhole ramp or segmented butt-joint ramp prior to the introduction of such ramps by E Z Road, Inc.

16. Based on my information and belief, the E Z Road segmented manhole ramps offer significant advantages not available with the single-piece, WAPC manhole ramps. Specifically:

- A. As identified in the attached Exhibit A, the single-piece, donut-shaped WAPC ramps are relatively heavy, weighing approximately 70 pounds. Due to this weight, the 48 inch diameter single-piece ramps would be too cumbersome for a single workman to easily handle. Thus, the installation and removal of WAPC ramps would likely have to be performed by at least two workman. The segmented E Z Road ramps, on the other hand, are easily handled by a single workman, thereby saving significant labor costs and minimizing the number of persons exposed to vehicle traffic;
- B. Based on the measurements provided in WAPC's product literature of Exhibit A, the WAPC manhole ramp has a slope between 1:5 and 1:6. Ramps with such a steep slope may not be used on many road construction projects subject to higher speed vehicle traffic which typically require ramp slopes no greater than 1:20.

C. If the WAPC ramps were available with ramp slopes of 1:20 (which, to my knowledge they are not), the single-piece construction of the WAPC ramps would have to be nearly 106 inches or 8'-10 inches in diameter. Such a large diameter single-piece ramp would require multiple laborers and lifting equipment to install and remove. Furthermore, such a large diameter ramp would be difficult to transport in a conventional pickup truck bed.

17. With my 17 years of experience, I would consider myself as having at least the equivalent experience, training and knowledge in the industry as a person that would be considered to be "a person of ordinary skill" in the road repair and construction field.

18. Accordingly, as a person of ordinary skill in this field, I believe that the segmented manhole ramps and butt-joint ramps manufactured and sold by E Z Road, Inc. as identified above are a significant improvement over the conventional asphalt pavement ramps and a significant improvement over the single-piece WAPC manhole ramps.

19. Based upon my personal knowledge and belief, the segmented temporary ramps manufactured by E Z Road, Inc. as identified above fulfill a long-felt but unresolved need in the road construction industry which is not satisfied by the single-piece WAPC manhole ramps or any other devices or methods used in the industry, namely, to provide a temporary ramp for use during road construction and repair operations that: (1) can be quickly and easily installed and removed by a single laborer without the need for equipment to install and remove the ramp, and (2) can be easily transported in segments for reuse on another job site in a conventional pickup truck bed.

20. Based upon my personal knowledge and belief, the use of the E Z Road segmented butt-joint ramps and segmented manhole ramps allows Freesen, Inc. to

obtain a competitive advantage over road construction contractors that continue to use conventional asphalt pavement ramps or the single-piece WAPC manhole ramps.

Date: 7-31-02

Ned B. Naeger
Ned B. Naeger
Peoria Area Construction Dispatch Manager,
Freesen, Inc.

STATE OF Illinois) ss.:
COUNTY OF Peoria)

Subscribed and sworn to me on this 31 day of July, 2002 by
Ned B. Naeger, who acknowledged to me that he is the Peoria Area
Construction Dispatch Manager for Freesen, Inc..

Teresa L. Mustain
Notary Public

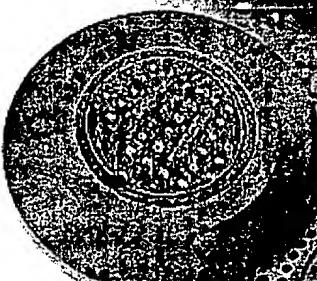
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OFFICIAL SEAL
Teresa L. Mustain
Notary Public, State of Illinois
My Commission Expires 6-16-03

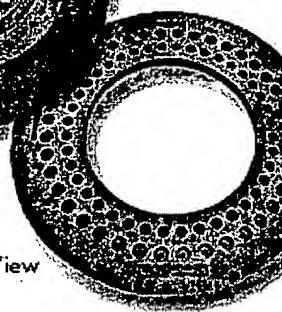


WORK AREA PROTECTION CORPORATION

Tough enough
for any work area



Top View



Bottom View

Manhole Riser Protection Ring

An easier alternative to cold patching

Now you can smooth over those exposed manhole risers during road construction projects in a matter of seconds.

Made of tough, durable rubber, these Protector Rings fit securely around manhole risers. They won't shift or slip. Just drop them into place and remove them simply by picking them up.

You'll save money too, because these Protector Rings can be used again and again. They can easily be stacked to save space. Their subtle gradient design enables motorists to drive over exposed manhole risers smoothly and safely without damaging their tires or vehicles. What's more, these Protector Rings come in different sizes to accommodate manhole risers of different diameters.

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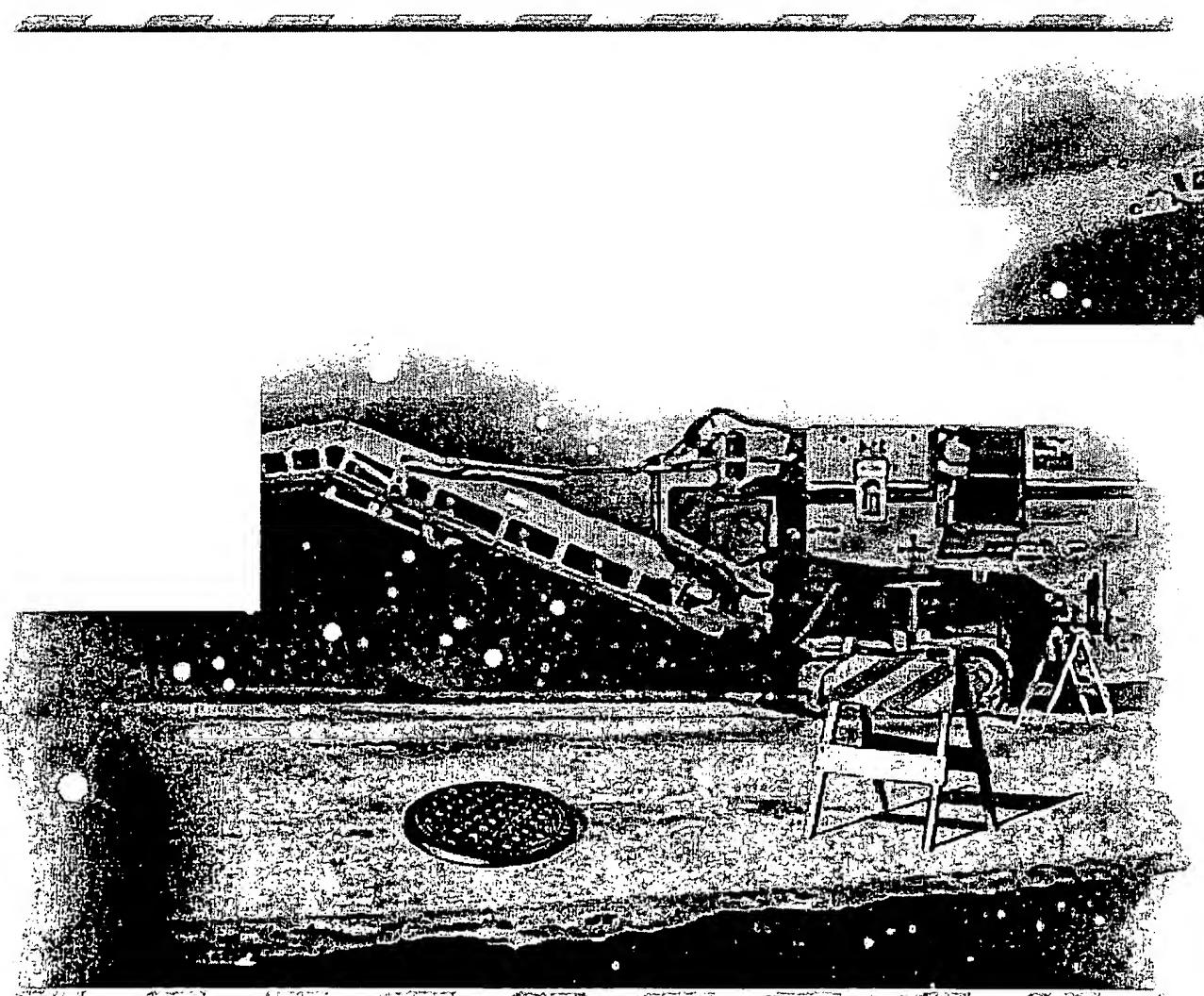
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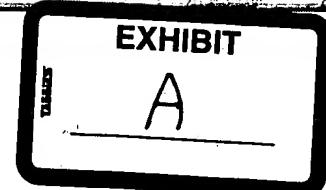
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Below illustrates the simple use of this revolutionary time/ money saving product.



• eliminates need for cold patching

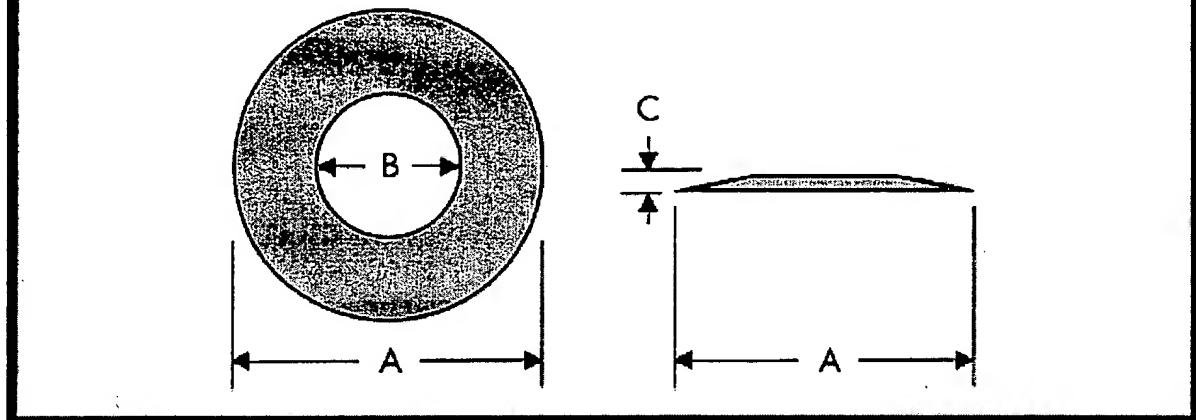
• reusable



- fast, simple installation
- snug fit
- provides smooth riding
- stackable for storage
- made of durable 100% recyclable rubber
- available in different sizes

SPECIFICATIONS:

Model Number	Outer Diameter	Inside Clearance	Thickness	Weight
	A	B	C	
MPR 26	48"	26"	2"	68 lbs
MPR 10	29"	10"	2"	29 lbs



Material: 100% recycled rubber
Density: 0.6 oz/cu in. ASTM C642
Fabrication: compression molded deposit
Durometer harness: 66A ASTM D2240
Tensile strength: 300 psi ASTM D412
Elongation: 90% ASTM D412
Brittleness: 40°F ASTM D746
Coefficient of thermal expansion: 8 x10.5 in/in/F ASTM C531

Savings per unit installation

METHOD	Cost per Manhole Avg. Price per Contractors
Manhole Protector Ring (Price includes labor and cost of MPR using a life cycle of 50 times used)	\$ 5.75
Take out riser and plate it	\$500.00
Leave existing apron	\$200.00
Cold Patch or Hot Mix	\$200.00
Use Grindings (Equipment and Labor, excludes liability)	\$ 30.00
Use Barricade (Barricade Life at 10 times, excludes liability)	\$ 5.45

The MUTCD requires that a manhole exposed during a milling operation be protected by a slope of asphalt if the manhole is exposed over .5".

Reusable Manhole Protector Ring is recommended to give protection to manholes exposed up to 2.5" high.

Part # - MPR26 - 26" hole diameter, 2" high and weighs 68 LB.

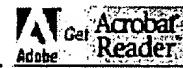
Part # - MPR10 - 10" hole diameter, 2" high and weighs 29 LB.

Exclusively manufactured under Patent #5,308,188

Download Specifications Flyer PDF. Click Here!

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the Option key (MacOS) when clicking the link above.

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BEST AVAILABLE CONCRETE

Manhole Protector Ring

Cost effective

**Eliminates need
for cold
patching**

**Fast, simple
installation**

Grip tight design

**Provides for
smooth riding**

Reusable

**Stackable
for storage**

**Made of durable
100% recyclable
rubber**

**Available in
various sizes**

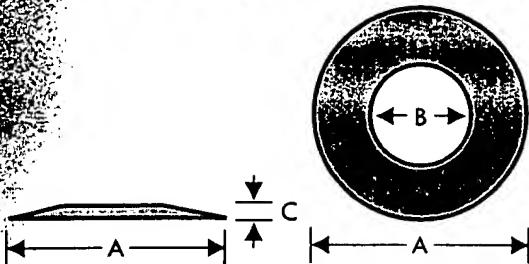
**Tough enough
to protect any work area**



Manhole Protector Ring Specifications

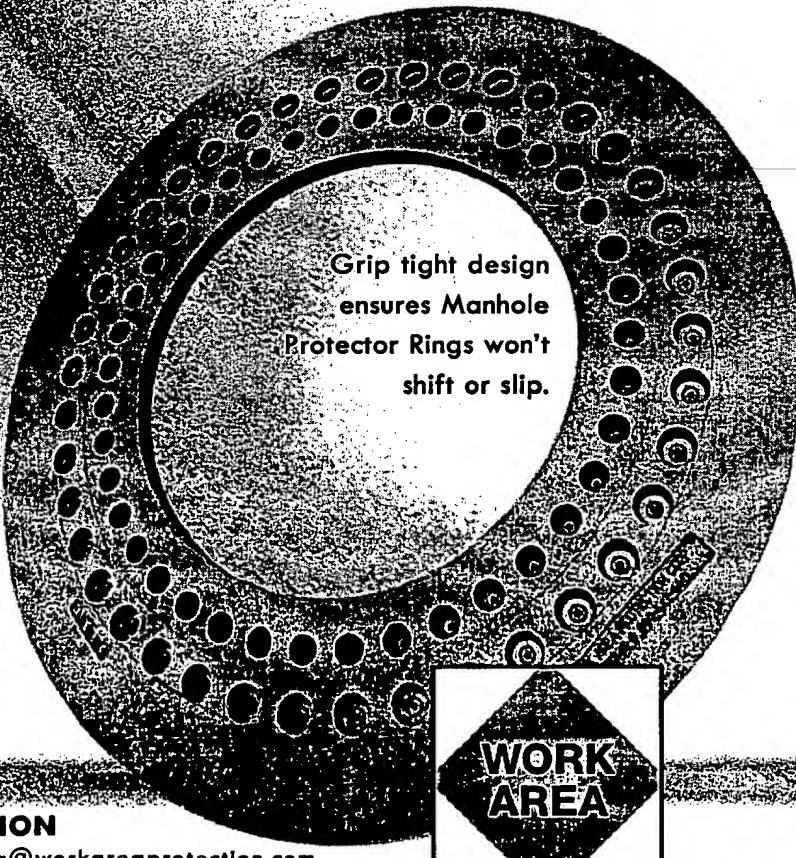
An
easier
alternative
to cold
patching

Now you can smooth over those exposed manhole risers during road construction projects in a matter of seconds. Made of tough, durable rubber, these Protector Rings fit securely around manhole risers. They won't shift or slip. Just drop them into place and remove them simply by picking them up. You'll save money too, because these Protector Rings can be used again and again. They can easily be stacked to save space. Their subtle gradient design enables motorists to drive over exposed manhole risers smoothly and safely without damaging their tires or vehicles. What's more, these Protector Rings come in various sizes to accommodate manhole risers of different diameters.



Model Number	Outer Diameter	Inside Clearance	Thickness	Weight lbs.
	A	B	C	
MPR 26	48"	26"	2"	68
MPR 10	29"	10"	2"	29

Material:	100% recycled rubber	Tensile strength:	300psi ASTM D412
Fabrication:	compression molded composite	Elongation:	90% ASTM D412
Density:	0.6 oz/cu in. ASTM C642	Brittleness:	-40°F ASTM D746
Durometer hardness:	65A ASTM D2240	Coefficient of thermal expansion:	8×10^{-5} ASTM C531



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